

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USDC Docket Number : 05-11771

Bahig F. Bishay

v.

American Arbitration Association, et al.,

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered: 1-21

and contained in Volume(s) I are the original or electronically filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 6/5/2006.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on June 21, 2006.

Sarah A. Thornton, Clerk of Court

By: 

Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 6/22/06


Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:05-cv-11771-NMG**

Bishay vs. American Arbitration Association et al.
Assigned to: Judge Nathaniel M. Gorton
Demand: \$10,000
Cause: 09:1 U.S. Arbitration Act

Date Filed: 08/26/2005
Jury Demand: None
Nature of Suit: 190 Contract:
Other
Jurisdiction: Diversity

Respondent

**American Arbitration
Association**
*Dispute Resolution Service
Worldwide*

represented by **John M. Simon**
Stoneman, Chandler & Miller,
LLP
99 High Street
Boston, MA 02110
617-542-6789
Fax: 617-556-8989
Email: jsimon@scmlp.com
ATTORNEY TO BE NOTICED

Respondent

**Brigthon Avenue Associates,
LLC.**

represented by **James S. Singer**
Rudolph Friedmann, LLP
92 State Street
Boston, MA 02109
617-723-7700
Fax: 617-227-0313
Email: JSinger@rflawyers.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Claimant

Bahig F. Bishay

represented by **Bahig F. Bishay**
163 Blue Hill Drive
Westwood, MA 02090
781.326.3310
Fax: 781.326.6690
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Date Filed	#	Docket Text
08/26/2005	<u>1</u>	COMPLAINT against American Arbitration Association, Brighon Avenue Associates, LLC. Filing fee: \$ 250, receipt number 66512, filed by Bahig F. Bishay. (Attachments: # <u>1</u> Exhibit A-I)(Elefther, Elizabeth) (Entered: 08/30/2005)
08/26/2005	<u>2</u>	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Collings. (Elefther, Elizabeth) (Entered: 08/30/2005)
08/29/2005	<u>3</u>	Summons Issued as to American Arbitration Association, Brighon Avenue Associates, LLC.. (Elefther, Elizabeth) (Entered: 08/30/2005)
09/19/2005	<u>2</u>	US Marshal Process Receipt and Return for Summons. Bahig F. Bishay served Delivered on 9/14/05 (Elefther, Elizabeth) (Entered: 09/19/2005)
09/28/2005	<u>3</u>	US Marshal Process Receipt and Return for Summons. American Arbitration Association served Delivered on 9/20/05 (Elefther, Elizabeth) (Entered: 09/28/2005)
10/03/2005	<u>4</u>	MOTION to Dismiss Plaintiff's Application-Complaint Pursuant to U.S. Arbitration Act Title 9 by Brighon Avenue Associates, LLC..(Elefther, Elizabeth) (Entered: 10/04/2005)
10/03/2005	<u>5</u>	MEMORANDUM in Support re <u>4</u> MOTION to Dismiss Application-Complaint Pursuant to U.S. Arbitration Act-Title 9 filed by Brighon Avenue Associates, LLC.. (Elefther, Elizabeth) (Entered: 10/04/2005)
10/11/2005	<u>6</u>	MOTION to Dismiss by American Arbitration Association. (Simon, John) (Entered: 10/11/2005)
10/11/2005	<u>7</u>	MEMORANDUM in Support re <u>6</u> MOTION to Dismiss filed by American Arbitration Association. (Attachments: # <u>1</u> Exhibit A)(Simon, John) (Entered: 10/11/2005)
10/20/2005	<u>8</u>	MOTION for Extension of Time for one week to File Opposition to Motion to Dismiss by Bahig F. Bishay.(Elefther, Elizabeth) Additional attachment(s) added on 10/20/2005 (Elefther, Elizabeth). (Entered: 10/20/2005)
10/20/2005	<u>16</u>	Opposition re <u>6</u> MOTION to Dismiss filed by Bahig F. Bishay.

		(Attachments: # <u>1</u> Exhibit a# <u>2</u> Exhibit b)(Sonnenberg, Elizabeth) (Entered: 04/10/2006)
10/25/2005	●	Judge Nathaniel M. Gorton : ElectronicORDER entered granting <u>8</u> Motion for Extension of Time, no further extensions. (Nicewicz, Craig) (Entered: 10/25/2005)
10/25/2005	● <u>9</u>	Opposition re <u>6</u> MOTION to Dismiss filed by Bahig F. Bishay. (Elefther, Elizabeth) (Entered: 10/26/2005)
11/30/2005	● <u>10</u>	Judge Nathaniel M. Gorton : Electronic ORDER entered. REFERRING MOTION <u>4</u> MOTION to Dismiss filed by Brighthon Avenue Associates, LLC., <u>6</u> MOTION to Dismiss filed by American Arbitration Association, to Magistrate Judge Robert B. Collings for R&R.(Nicewicz, Craig) (Entered: 11/30/2005)
02/13/2006	● <u>11</u>	ADDENDUM re <u>6</u> MOTION to Dismiss <i>To Raise Newly Arisen Defense of Res Judicata</i> filed by American Arbitration Association. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B) (Simon, John) (Entered: 02/13/2006)
02/21/2006	● <u>12</u>	Opposition to Addendum to <u>11</u> MOTION to Dismiss to Raise Newly Arisen Defense of Res Judicata filed by Bahig F. Bishay. (Attachments: # <u>1</u> Exhibit 1)(Sonnenberg, Elizabeth) (Entered: 02/22/2006)
02/21/2006	● <u>13</u>	MOTION to Stay Decision & Order on Defendant's Motion to Dismiss to allow Discovery & Issue Subpoena pursuant to Rule 45(a) by Bahig F. Bishay.(Sonnenberg, Elizabeth) (Entered: 02/22/2006)
02/21/2006	● <u>14</u>	MEMORANDUM in Support re <u>13</u> MOTION to Stay filed by Bahig F. Bishay. (Attachments: # <u>1</u> Exhibit 1)(Sonnenberg, Elizabeth) (Entered: 02/22/2006)
03/29/2006	● <u>15</u>	MOTION for Expedited Relief: to Compel Non-Party Arbitrators and American Arbitration Association to Comply with Subpoenas issued by this Court Pursuant to Rule 45 by Bahig F. Bishay. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E)(Sonnenberg, Elizabeth) (Entered: 03/30/2006)
04/13/2006	● <u>17</u>	Judge Robert B. Collings : REPORT AND RECOMMENDATIONS re <u>4</u> MOTION to Dismiss filed by Brighthon Avenue Associates, LLC., and <u>6</u> MOTION to Dismiss filed by American Arbitration Association;

		Recommendation: RECOMMEND that both Motions to Dismiss be ALLOWED and FURTHER RECOMMEND that judgment enter for defendants. Objections to R&R due by 4/27/2006.(Dolan, Kathleen) (Entered: 04/13/2006)
04/13/2006	18	Opposition re 15 MOTION to Compel <i>Compliance with Subpoenas</i> filed by American Arbitration Association. (Attachments: # 1 Exhibit A# 2 Exhibit B)(Simon, John) (Entered: 04/13/2006)
04/13/2006		Case no longer referred to Magistrate Judge Robert B. Collings. (Dolan, Kathleen) (Entered: 04/13/2006)
04/24/2006	19	OBJECTION to 17 Report and Recommendations filed by Bahig F. Bishay. (Sonnenberg, Elizabeth) (Entered: 04/26/2006)
05/05/2006		Judge Nathaniel M. Gorton : Electronic ORDER entered. ORDER ADOPTING REPORT AND RECOMMENDATIONS ; accepted and adopted. Motion to dismiss 4 and motion to dismiss 6 allowed. (Nicewicz, Craig) (Entered: 05/05/2006)
05/05/2006	20	Judge Nathaniel M. Gorton : ORDER of DISMISSAL entered. (Nicewicz, Craig) (Entered: 05/05/2006)
05/10/2006		Motions terminated: 13 MOTION to Stay filed by Bahig F. Bishay,, 15 MOTION to Compel filed by Bahig F. Bishay; mooted by Order of Dismissal. (Nicewicz, Craig) (Entered: 05/10/2006)
06/05/2006	21	NOTICE OF APPEAL as to Order Adopting Report and Recommendations, 20 Order by Bahig F. Bishay. \$ 455 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 6/26/2006. (Sonnenberg, Elizabeth) (Entered: 06/06/2006)
06/05/2006		Filing fee: \$ 455.00, receipt number 72831 for 21 Notice of Appeal, (Sonnenberg, Elizabeth) (Entered: 06/06/2006)